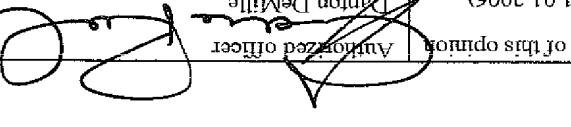


|   |  |                                    |                              |
|---|--|------------------------------------|------------------------------|
| Name and mailing address of the ISA/US  |  | Date of completion of this opinion | Authorized officer           |
|  |  | 11 January 2006 (11.01.2006)       | Telephone No. (571) 272-3700 |
| P.O. Box 1450<br>Commissioner for Patents<br>Alexandria, Virginia 22313-1450      |  | Facsimile No. (571) 273-3201       |                              |

Form PCT/ISA/237 (cover sheet) (April 2005)

3. For further details, see notes to Form PCT/ISA/220.

For further options, see Form PCT/ISA/220.

If this opinion is, as provided above, considered to be a written opinion of the TPA, the applicant is invited to submit to the TPA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the priority date, whichever expires later.

If a demand for international preliminary examination is made, this opinion will be considered, except that this does not apply where the applicant chooses an authority other than the TPA and the chosen TPA has notified the International Bureau that written opinions of this International Searching Authority will not be so considered.

## 2. FURTHER ACTION

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Box No. I  | Basis of the opinion   |
| <input checked="" type="checkbox"/> Box No. II | Priority   |
| <input type="checkbox"/> Box No. III           | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input checked="" type="checkbox"/> Box No. IV | Lack of unity of invention   |
| <input checked="" type="checkbox"/> Box No. V  | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI            | Certain documents cited  |
| <input type="checkbox"/> Box No. VII           | Certain defects in the international application   |
| <input type="checkbox"/> Box No. VIII          | Certain observations on the international application  |

1. This opinion contains indications relating to the following items:

|                                   |  |  |                                |
|-----------------------------------|--|--|--------------------------------|
| INTERNATIONAL SEARCHING AUTHORITY |  | INTERNATIONAL CLASSIFICATION               |                                |
| PCT/IL05/00140                    |  | International filing date (day/month/year) | Priority date (day/month/year) |
| 04 February 2005 (04.02.2005)     |  | 05 February 2004 (05.02.2004)              | International application No.  |
| 414/04404                         |  | See paragraph 2 below                      |                                |
| Date of mailing (day/month/year)  |  | FOR FURTHER ACTION                         |                                |
| 03 FEB 2006                       |  | Applicant's or agent's file reference      |                                |

(PCT Rule 43bis.1)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

**PCT**

PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
PAUL FENSTER  
FENSTER & COMPANY, INTERNATIONAL PROPERTY LTD  
P.O. BOX 10256  
49002 PETACH TIKVA, ISRAEL

INTERNATIONAL SEARCHING AUTHORITY  
49002 PETACH TIKVA, ISRAEL

1. With regard to the language, this opinion has been established on the basis of \_\_\_\_\_, which is the language of a translation furnished for the purposes of information of the international application into \_\_\_\_\_, which is the language in which it was filed.

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of \_\_\_\_\_.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statement that the information in the sequence listing is filed, as appropriate, were furnished.

4. Additional comments:

\_\_\_\_\_

or furnished, the required statement that the information in the sequence listing is filed, as appropriate, were furnished.

c. time of filing/furnishing

in electronic form

on paper

b. format of material

a sequence listing

a table(s) related to the sequence listing

a. type of material

in electronic form

on paper

furnished subsequently to this Authority for the purposes of search.

filed together with the international application in electronic form

contained in the international application as filed.

\_\_\_\_\_

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Box No. 1 Basis of this opinion

INTERNATIONAL SEARCHING AUTHORITY

WRITTEN OPINION OF THE

PCT/IL05/00140

International application No.

1. In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has, within the applicable time limit:

- Paid additional fees
- Paid additional fees under protest and, where applicable, the protest fee
- Paid additional fees under protest but the applicable protest fee was not paid
- Not paid additional fees

2. This Authority found that the requirement of utility of invention is not compilied with and chose not to invite the applicant to pay additional fees.

- This Authority found that the requirement of utility of invention is not compilied with the following reasons:
- not compilied with
- compilied with

3. This Authority considers that the requirement of utility of invention is accordance with Rule 13.1, 13.2 and 13.3 is

- See the lack of unity section of the International Search Report (Form PCT/ISA/210)

4. Consequently, this opinion has been established in respect of the following parts of the international application:

- The parts relating to claims Nos. 1-8
- All parts.

Box No. IV Lack of unity of invention

INTERNATIONAL SEARCHING AUTHORITY

International application No.  PCT/IL/05/00140

Claims 1-8 lack novelty under PCT Article 33(2) as being anticipated by Braudson. As broadly claimed, Braudson teaches a frame 10, an actuator 12 that includes a movement mechanism capable of applying a force that interacts with a motion of the patient's limb in a volume of at least 30 cm. The program in which selected to perform an exercise routine would prevent substantial motion in any point in any direction that is not in the desired exercise routine. A joint 34 allows multiple relative placements of the end effector. The device includes at least one sensor 36 to report the location of the joint.

Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

## 2. Claims and explanations:

|                     |             |             |             |                               |
|---------------------|-------------|-------------|-------------|-------------------------------|
| Novelty (N)         | Claims NONE | Claims 1-8  | Claims NONE | Industrial applicability (IA) |
| YES                 | NO          | YES         | NO          | YES                           |
| Inventive step (IS) | Claims NONE | Claims NONE | Claims 1-8  | Inventive step (IS)           |
| YES                 | NO          | YES         | NO          | YES                           |

## 1. Statement

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; claims and explanations supporting such statement

|  |  |
|--|--|
| International application No. PCT/IL05/00140 | WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY |
|--|--|

The application is French, the letter must be in French.  
 International application is English, the letter must be in English; if the language of the international application is English or French, the choice of the applicant, however, if the language of the application is English, the letter must be in English, at the discretion of the applicant. However, if the language of the application is English, the letter will be published with the "Statement under Article 19(1)" (see below), under "Statement under Article 19(1)".  
 The letter will not be published with the international application and the amended claims. It should not be transmitted with the "Statement under Article 19(1)" (see below).  
 The amendments must be submitted with a letter.

Letter (Section 205(b))

What documents may accompany the amendments?

The amendments must be made in the language in which the international application is to be published.  
 All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions 205(b)).  
 A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendment, differs from the sheet originally filed.  
 A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendment by cancelling one or more entire claims, is adding one or more new claims or by amending the text of one or more of the claims as filed.

Where a demand for international preliminary examination has been filed, see below.  
 International Searching Authority (Rule 46(2)).  
 The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46(2)).  
 Where not to file the amendments?

When? Within 2 months from the date of transmission of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received at the time of the international Bureau after the expiration of the applicable time limit but before the completion of the technical preparation for international publication as having been received at the time of the international Bureau after the expiration of the applicable time limit but before the completion of the technical preparation for international publication (Rule 46(1)).

Upon entry into the national phase, all parts of the international application may be amended under Article 28 under Article 34 before the international Preliminary Examination Authority.  
 During the international phase, the claims may also be amended for further amendment under Article 34 before the international Preliminary Examination Authority. The description and drawings may only be amended under Article 19, only the claims may be amended or, where applicable, Article 41.

What parts of the international application may be amended?

Furthermore, it should be emphasized that protection is available in some States only.  
 For the purpose of protection or as another reason for amending the claims before publication, no need to file amendments of the claims under Article 19 except where, e.g., the applicant wants the letter to be published description and drawings may be amended during the international preliminary examination procedure, there is usually international application. It should however be emphasized that, since all parts of the claims (claims, description and drawings) may be amended during the international application, the letter is usually needed to file amendments of the claims under Article 19 except where, e.g., the applicant wants the letter to be published.

## INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

These Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.  
 In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions of the International Preliminary Examination Authority, see also the PCT Application Guide, a publication of WIPO.  
 Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Application Guide, a publication of WIPO.

## NOTES TO FORM PCT/ISA/220